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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,580	09/11/2000	Masami Oishi	Q60779	4484

7590 06/14/2004

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,580

Applicant(s)

OISHI ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 12, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-11, 13-16, 18, 21-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The amendment dated 03/26/04 has been considered with the following results:

Claim Rejections - 35 USC § 112

1. Claims 19-26 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19:

It is unclear why a recording status is detected by a detection unit, lines 3-4, since it has never been used later in the claim.

In claim 26:

The term "the storage means", lines 4-5, should be changed to --the storage unit-- in order to make it consistent with a term "a storage unit" as previously recited in line 1.

Claims 20-25 fall with their respective parent claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7, 12, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanikawa (EP 0 938 092 A2) cited by Applicant.

Tanikawa, according to Figs. 1-5, shows an optical apparatus for an information recording medium comprising all limitations of the instant claimed invention as interpreted below.

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Regarding claims 1 and 19, see Figs. 1-5, which show an optical apparatus for an information recording medium in which a recording status of the information recording medium is detected (see step 3 in Fig. 4 and column 10, lines 15-25); and in response to the detected recording status, control data (last recorded address) is recorded according to a simple format whose amount is smaller as compared to a predetermined recording control data (address value of 300000h) according to a standard format (see column 9, lines 31-50 and column 10, line 51 through column 11, line 33).

Regarding claims 7 and 12, see Figs. 1-4, which show an optical apparatus for an information recording medium comprising: recording means or unit (10) for recording information on the recording medium according to a stand format or simple format; a recording control data recording means or unit (16) for recording control data (last recorded address) according to a simple format whose amount is smaller as compared to a predetermined recording control data (address value of 300000h) according to a standard format when the recording means records information on the medium according to a simple format (see column 9, lines 31-50 and column 10, line 51 through column 11, line 33).

Regarding claims 17 and 20, see respective disclosure of step 3 in Fig. 4 and the writing process after it determines that the DVD-RW is a non-recorded disk.

Allowable Subject Matter

4. Claims 2-6, 8-11, 13-16, 18 and 21-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. In response to Applicant's argument filed on 03/26/04, Applicant should note that Applicant does not specifically recite what data is a control data; therefore, the address control data in Tanikawa is interpreted as the control data as recited in the claimed invention due to the broadest presentation of the claimed languages.

Also, Applicant's attention is drawn to column 10, line 57 to column 11, line 5, of Tanikawa which discloses the recording of control data (address) according to a simple format (predetermined format) whose amount is smaller as compared to a predetermined recording control data (last recorded address in area 3c is set as predetermined address value smaller than the address value of 30000h) according to a standard format. Clearly, Tanikawa does teach the recording of control data (address) with regard for the amount (value) of the control data (address) to be recorded as recited in the instant claimed invention.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Thang V. Tran
Primary Examiner
Art Unit 2653